



THE UNIVERSITY *of* EDINBURGH

Edinburgh Research Explorer

'I was dead restorative today': from restorative justice to restorative approaches in school

Citation for published version:

McCluskey, G, Lloyd, G, Stead, J, Kane, J, Riddell, S & Weedon, E 2008, 'I was dead restorative today': from restorative justice to restorative approaches in school', *Cambridge Journal of Education*, vol. 38, no. 2, pp. 199-216. <https://doi.org/10.1080/03057640802063262>

Digital Object Identifier (DOI):

[10.1080/03057640802063262](https://doi.org/10.1080/03057640802063262)

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Peer reviewed version

Published In:

Cambridge Journal of Education

Publisher Rights Statement:

© McCluskey, G., Lloyd, G., Stead, J., Kane, J., Riddell, S., & Weedon, E. (2008). 'I was dead restorative today': from restorative justice to restorative approaches in school. *Cambridge Journal of Education*, 38(2), 199-216. [10.1080/03057640802063262](https://doi.org/10.1080/03057640802063262)

General rights

Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact openaccess@ed.ac.uk providing details, and we will remove access to the work immediately and investigate your claim.



**“I was dead restorative today”
From Restorative Justice to Restorative Approaches in School**

G McCluskey	University of Edinburgh
G Lloyd	University of Edinburgh
J Stead	University of Edinburgh
J Kane	University of Glasgow
S Riddell	University of Edinburgh
E Weedon	University of Edinburgh

Author for contact:

Gillean McCluskey
University of Edinburgh
Moray House School of Education
Holyrood Road
Edinburgh
EH8 8AQ.

Gillean.McCluskey@ed.ac.uk

Tel 0131 651 6637

Fax 0131 557 4962

Abstract

This paper explores definitions and understandings of Restorative Practices in education. It offers a critique of current theoretical models of Restorative Justice originally derived from the criminal justice system, and now becoming popular in educational settings. It questions the appropriateness of these concepts as they are being introduced to schools in parts of the UK and refers to a recent Scottish Executive funded pilot initiative to implement Restorative Practices in schools. The paper then reflects on some findings from the evaluation of this pilot project, outlines a new notion of Restorative Approaches and suggests that this broader conceptualisation may offer an important way in which to promote social justice in education and to reassess the importance and inevitability of conflicting social interaction and structures inherent in schools as complex social institutions.

Introduction

‘What happened, what harm has resulted and what needs to happen to make things right?’ (O’Connell, 2004). There has been a huge upsurge of interest in Restorative Justice in recent years in Australia, New Zealand, Canada, the USA as well as in Europe and the UK. This has taken different forms in different countries, depending on existing legal frameworks and contexts, but nearly all of the initiatives address issues in both adult and youth offending (Miers, 2001). For most writers on Restorative Justice, the basic tenets centre on the importance of repairing harm and restoring relationships. O’Connell contrasts this with a traditional adversarial (blame) approach, which he summarises as, ‘what happened, who is to blame, what punishment or sanction is needed?’ In this paper we discuss recent developments in Restorative Justice before developing a critique of the application of its theoretical underpinnings as a model for Restorative Practices in educational settings. We examine the recent introduction of Restorative Justice in schools internationally and go on to explore some findings from a pilot initiative to introduce what have been termed ‘Restorative Practices’ in Scottish schools. We suggest that, based on staff and pupils’ reflections and experiences, a broader conceptualisation of Restorative Approaches, which draws on but is substantially different from Restorative Justice, can make a substantial contribution to thinking about conflict in schools and help to promote social justice in education.

Can Restorative Justice work in educational settings?

Alongside this interest in Restorative Justice attention has turned to the development of Restorative Justice in educational settings and how this might respond to some of the continuing concern about discipline and violence in schools. There have been a number of evaluations of different models of Restorative Justice in schools, both in England and

overseas (Drewery 2004, McGrath 2004, Cameron and Thorsborne, 1999, Smith and Hennessy, 1999, Marsh and Crowe, 1998). These evaluations have employed a range of methodologies and although some of these evaluations have been criticised for being less than rigorous (Miers, 2001), there has been, nonetheless, quite widespread support for Restorative Justice in schools. ‘We’ve got the best morale we’ve ever had... people feel good about themselves, and the children seem to be happier. They feel more enfranchised, and that people care about them’, reports a primary school in New South Wales (Porter, 2005, p2). ‘The staff have seen some amazing culture shaping at the school... the number of disciplinary interventions has dropped’, notes a school manager in Minnesota (Chmelynski, 2005, p2). In a secondary school in The Hague, Henskens-Reijman and van Pagee found, ‘there are hardly any conflicts any more’ (2003, p94).

The largest independent evaluation in the UK to date, commissioned by the Youth Justice Board of England and Wales recently reported on a pilot initiative in which youth offending teams worked with 26 schools; 20 secondary and 6 primary schools in England and Wales (Bitel, 2005). The aims of the initiative were to reduce offending, bullying and victimisation and to improve attendance. The research involved surveys of over 5000 pupils and 1150 staff, as well as over 600 individual interviews with key stakeholders and those who had been part of a restorative conference. Data on free school meals and other performance indicators such as exclusions, attendance and staff turnover and sickness were gathered at the beginning of the evaluation in 2002 and at the end in 2004. The researchers concluded that Restorative Justice, while ‘not a panacea for problems in schools’, could ‘if implemented correctly...improve the school environment, enhance learning and encourage young people to become more responsible and empathetic’ (Bitel, 2005, p13).

At first sight, then, Restorative Justice would seem to be meeting the need for solutions to rising indiscipline, and an overall sense of turbulence in schools. When an incident occurs or a conflict arises, it asks for all those involved to take responsibility, and many see this as a way in which to develop stronger partnerships with pupils, families and their local communities. It also seems to be able to address peer difficulties among pupils, a major concern for children and young people (Cowie, 2000, Gordon and Grant, 1997). A further strength seems to lie in the emphasis on restoring human relationships, looking at everyday circumstances and contexts, rather than understanding and reacting to children's behaviour in terms of medicalised models of behaviour. It seems important then to understand in more detail how developments in Restorative Justice are defined and distinguished in order to frame discussion of what has happened in the Scottish schools' pilot.

What does Restorative Justice offer?

The UN defines Restorative Justice as follows,

A problem solving approach to crime that focuses on restoration or repairing the harm done by the crime and criminal to the extent possible, and involves the victim(s), offender(s) and the community in an active relationship with statutory agencies in developing a resolution. The modes for delivering Restorative Justice include, but are not limited to, restitution of property, restitution to the victim by the offender, reparations...

(United Nations 2003, p28)

Zehr (1990) suggests that inquiry should focus on understanding what happened, who has been hurt and what needs to happen to repair the harm: it is a 'relational inquiry' (Blood 2005). The Youth Justice Board for England and Wales talks about Restorative Justice as enabling 'offenders and victims to communicate and agree on how the harm caused by offending behaviour is to be repaired' (Bitel, 2005).

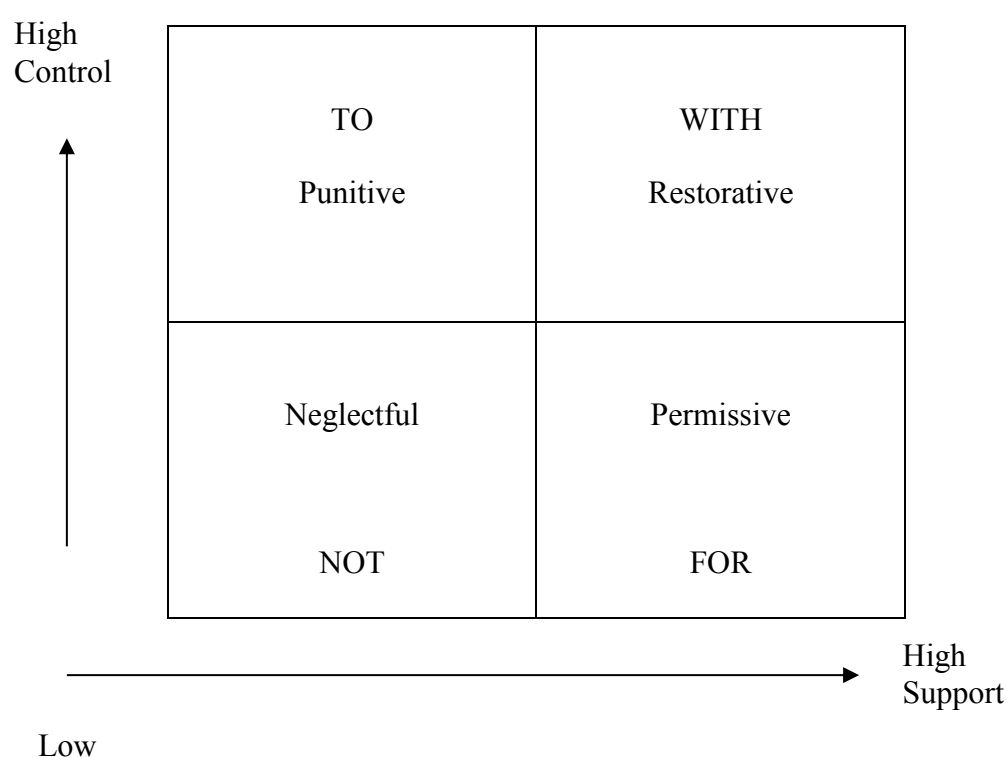
Underpinning these definitions is a shift in thinking by many writers and justice practitioners at quite a fundamental level; from a long-held view of crime as an offence against the state towards a view of crime as an offence against the victim (Barnett, 1977). Its development in New Zealand and Australia owes a debt to the indigenous peoples of these countries and their community-based approaches to conflict resolution. These approaches often call for immediate and/or extended family, and the local community to be involved in a discussion, 'circle' or 'conference' with the offender about the wrong done; not with a view to deciding on a punishment but rather to seek an apology and the most appropriate method of reparation. This has particular significance in the context of work with indigenous communities who have been discriminated against and over-represented within the criminal justice system in the past.

As it has developed in the criminal justice system, Restorative Justice seeks to provide, perhaps for the first time, a much clearer framework for restitution, in which offences can be punished but within a context where the relationship damaged by the offence is the priority, and based on the premise that this damaged relationship can and should be repaired, and that the offending individual can and should be reintegrated for the good of that individual but also for the community as a whole. At the level of practice, Wachtel (2005) has suggested

that this relational approach can only be made effective when fair process is observed, and he refers to the ‘social discipline window’, (below) adapted from Glasser (1969) to show the importance of involving individuals in decisions which affect them directly, and the central importance of working *with* them, rather than doing things *to* or *for* them.

Figure 1

The social discipline window (Wachtel, 2005 after Glasser, (1969))



In the social discipline window, the vertical axis refers to the use of authority, with high control referring to authoritarian/punitive responses. The horizontal axis refers to support, showing high support without control to be ‘permissive’ or neglectful. According to Blood and Thorsborne, ‘practice which maintains high standards and boundaries at the same time as

being supportive is experienced as firm and fair (the top right hand box, working *with* others)’ (2005, p.10).

This emphasis on working *with* individuals rather than doing things *to* or *for* them was earlier espoused by Terry O’Connell, an Australian police officer. One of the most influential practitioners in the field, he views Restorative Justice as a more forward-looking and hopeful approach, one which acknowledges that responding to difficult situations is not a question of making a choice between punishment and permissiveness, but about offering a balance of support and accountability. There is evidence that this approach can be very successful with adult offenders in terms of participant satisfaction (see Miers, 2001 for an international review) and may also reduce the likelihood of re-offending.

Figure 2

Adversarial	Restorative
Focus is in the past	Focus in past, present and future
Preoccupied with blame	Emphasis on resulting harm
Deterrence linked to punishment	Deterrence linked to relationships and personal accountability
‘For punishment and sanctions to be effective (in changing behaviours), they need to delivered in a context that provides both meaning and relevance’	

(O’Connell 2004)

The legal systems in many countries now offer offender/victim mediation or conferencing to offenders and the person affected by a crime in an effort to bring the offender to a better understanding of the consequences of their actions on the person or persons involved. During this process a 'script' is often used by a conference co-ordinator, using the following or similar questions,

- What happened?
- What were you thinking at the time?
- What have you thought about since?
- Who has been affected by what you did?
- In what way?
- What do you think you need to do to make things right?

These questions are asked of all involved and each participant has the same opportunity to speak. In the UK at present this conference or circle does not take the place of any punishment imposed by the courts, but sits alongside it, with participants involved voluntarily in the process. However, the UK Home Office is currently piloting its use as a diversion from court (Justice Research Consortium, 2004). It would seem, then, that Restorative Justice offers a significant step forward in the search for reparation that can be seen as resolution by both the offender and victim.

The attraction for schools seems clear. As the perceived 'crisis in education' deepens (Wilkin *et al.*, 2006), as disciplinary exclusion levels in schools internationally continue to rise (Bouhours, 2004, DfES, 2005, Scottish Executive, 2005a) and as staff stress also continues to increase (Kelly and Colquhoun 2005, Munn *et al.*, 2004), the calls to tackle bullying, truancy and youth crime become ever more insistent.

It has been argued, however, that the relationship between retributive and Restorative Justice may not be as straightforward as it at first appears. Daly (2000) suggests that that the supposed ‘oppositional contrast’ (Miers, 2001, p 86) between the two may be deceptive, hinting at major issues still to be explored in the relationship between intentions and outcomes and different perceptions of these. Interestingly, while Barton suggests that restorative and retributive justice are ‘compatible’ (2000), Miers, (2001) notes that Daly and Barton both suggest that ‘restoration is not an alternative to punishment, but is another form of punishment, meaningful in its own way, and taking its place alongside other deterrents such as just deserts or deterrence’ (2001, p87). Walgrave argues that although pain may be inflicted in Restorative Justice it is not punishment and Wright (2003) suggests that punishment is dependent on the intention of the punisher, not the experience of the punished. The implications for ‘fair process’ (Wachtel, 2005) are questionable, and have particular resonance in the context of schooling in the discussion to follow.

A distance between intention and perception by those involved is particularly problematic within conferencing, one of the main tools with which Restorative Justice has been introduced in schools in Australia, the USA and more recently England. Blood and Thorsborne (2005) argue that conferencing in schools can be seen as a ‘restorative stick’ at times while Porter (2005) has suggested that the threat of the use of Restorative Justice questions may in itself act as a deterrent. Although schools may try to ‘focus on the thing that has gone wrong, rather than the person’ (Porter, 2005, p2), it is also important to note Parson’s view, following Garland (1990) that, ‘In many countries the will to punish is deeply embedded’ (2005, p194).

Restorative Justice, then, may seem to offer a more positive, less punitive approach to repairing harm, with an emphasis on fair process, restoring relationships and resolution through reparation. However, it is clear that there are important outstanding issues about Restorative Justice as social control and also about punishment itself, questions which are central to the introduction of Restorative Justice in educational settings.

These criticisms of, and questions about, Restorative Justice are joined by new questions reflecting schools' own priorities and concerns. Much of the language; for example, 'perpetrator' and 'victim', and many of the reference points for Restorative Justice in educational settings derive from the criminal justice field and from related psychological perspectives. Advocates such as Morrison talk about 'justice as a part of our everyday lives, and hence it also belongs in our homes and our schools' (2005, p97). The difficulty in drawing parallels between the justice system and education, however, can be exemplified by an exploration of the different drivers for each. The legal system becomes interested in a person or group because of an illegal incident. The designation of 'wrongdoer' and 'wronged' in law is concerned only in a very limited and specific way with the process which precedes and surrounds these designations. If it is seen as reactive rather than preventative, it may have little relevance to understanding processes underlying more covert or subtle challenges and conflicts between and among individuals, groups and communities.

Wachtel talks about the need to restore 'community in a disconnected world'. He argues that the 'increasingly difficult and violent behaviour among school students and related punitive school climate are both products of the alienation and loss of community that plagues modern society in general' (2005, p1). While his concern with a loss of community may be

legitimate, he fails to address the finding from Bouhours' International Study of Suspension data (2004) that 'a student is more likely to be suspended for an act of defiance or non-compliance (i.e. swearing, back chatting, disrupting or smoking)'. In Scotland, for example, the most common reason for school exclusion is 'general and persistent disobedience' (Scottish Executive, 2005a). Pupils are, in fact, rarely excluded for acts of violence and the relationship between pupils who disrupt and those disrupted is complex (McCluskey (forthcoming), McCluskey, 2005). The borrowing of terms such as 'victim' and 'perpetrator' from criminal justice may then reinforce a discourse that demonises and criminalises young people in general. As Waiton (2001, p141) argues, 'it often appears that the best that young people can hope for... is to be labelled as victims unable to cope with the pressures of life, rather than as villains who are destroying it'.

How useful are theories of shame to the work of schools?

When we come to reflect on the findings from the pilot, it is important to consider how the questions raised above are framed by the theoretical underpinnings of Restorative Justice, and how this translates to the experience of schools. Both Wachtel and Morrison draw on the work of Ahmed *et al* (2001) and Nathanson (1996) whose central interests are in shame and inter-personal harm. Braithwaite and Braithwaite hold that, 'shame and guilt are central concepts across the social sciences...both war between nations and war between families are often about humiliated fury'(2001, p3).

This view of the importance of shame as an emotion or affect is used to underpin much of the thinking about Restorative Justice in educational settings. For Williams (1993) shame is central because it is 'the emotion we feel when the way we feel about ourselves as an ethical

person is threatened by our actions' (Ahmed *et al.* 2001, p4). For him, shame is the feeling we have when we fail to live up to our expectations of ourselves as moral human beings. Williams, then, is concerned with a definition of shame that is about the inner self, about the individual and self-reflection, implying an innate capacity for reflection and a shared sense of moral ethics. Ahmed *et al.* (2001) talk of shame as the emotion and shaming as the regulatory practice associated with it and they draw on Braithwaite's (1989) distinction between 'stigmatising shaming' and 'reintegrative shaming', and his assertion that the former increases the likelihood of crime while the latter reduces crime. Shame, then, is seen as central to understanding and, importantly, changing undesirable behaviour at a macro and micro level.

This reliance on the notion of shame is so important to many influential writers in the field of Restorative Justice and underpins much of what has happened in schools, as Restorative Justice develops into Restorative Practices, that it is important to examine it more closely. Nathanson, referring to Gottfredson and Hirschi (1990), argues that there is 'a crucial variable separating those who commit crime from those who do not. That variable is self-control' (1996, p363). One of the most immediate questions, however, must be about this identification of a single 'crucial variable'. We would argue that crime levels and recidivism are associated with many variables other than the extent to which an individual feels shame for an offence committed. Reported crime is still strongly associated with poverty and also with drug, alcohol and mental health issues in western societies. It is not clear how this concept of shame can respond to issues of undetected crime or white collar crime.

We would also question what seems to be Nathanson's (1996) underlying premise; that crime is primarily about individuals, individual actions or incidents. Here we draw a link with much of the literature on bullying in schools. There is a strong focus on bullying in much of the related writing on Restorative Justice in education (Morrison, 2005, 2002, Ahmed *et al.* 2001), which concentrates on the individual characteristics of bully, victim and bystander. According to Morrison, 'many of the known risk factors in predicting bullying are mediated by one central factor; how individuals manage shame over a wrongdoing' (2002, p 2). But such explanations seem to diminish the importance of group dynamics or the complexities of, for example, systemic racism or sexism, the 'situational and social influences on bullying behaviour' (Blatchford and Sharp, 1994, p6) or Kelly's concern that, 'harassment is distinguished by the fact that it can be legitimised by reference to an ethos which supports hierarchies of dominance, exclusion and mistreatment' (1994, p6). Although Braithwaite and Braithwaite acknowledge the existence of a social context with emotive statements such as, 'no kind of unresolved shame deserves our care more than that of the legions of homeless, sexually abused children who rob and sell drugs' (2001, p319) there is little constructive discussion of how this relates to their emphasis on the necessity of shame. Just as Nathanson talks about the 'crucial variable' of 'self-control' (1996, p363), theirs, too, is a search for a single and too simple solution.

It is important to draw attention to a further difficulty with the deep semantics of 'shame' as Restorative Justice has moved into schools; to acknowledge that there are times when harm is caused, but also that there are times when shame is misplaced. As Claude Knight of the children's charity Kidscape recently noted, 'once the bully has said sorry, the victims are almost made to feel they must do their part, almost as if it's their fault – and we know victims

have this tendency anyway' (The Observer, August 28, 2005). More broadly, we recognise that many of the most vulnerable – and sometimes troublesome - young people in schools may have very complex lives and very complex feelings, sometimes including misplaced shame, about personal or family issues.

Restorative Justice in education- a summary of the issues

When underpinned by the perspectives discussed above, the usefulness of the direct application of ideas and practices of Restorative Justice to schools may therefore be limited, both theoretically and in practice. Despite seeming progressive, its emphasis on individual wrongs and on conferencing as the main response, may be seen as applicable only to overt challenges to a school's authority, to responding to individual incidents of violence, theft, or verbal abuse. It is important to acknowledge that there is some evidence that Restorative Justice can work in educational settings. Equally important, we note the evidence that the effectiveness has been very limited. In the Youth Justice Board evaluation in England and Wales, there was found to be no significant improvement in pupil attitudes except in the small number of schools where a whole school approach had been adopted. In three separate studies in Australia, the focus on conferencing (Blood, 2005) was found to offer high levels of satisfaction for wrongdoers and those harmed but to be difficult to sustain in practice. Significantly, the successes of conferencing had minimal impact on the school community as a whole.

We have raised some significant questions about the appropriateness or transferability of terms such as 'perpetrator' and 'victim' to school settings. We have expressed concern about the connections forged, perhaps unwittingly, by the use of such terms, between Restorative

Justice and much of the literature on bullying, a literature legitimately critiqued (Kelly, 1994) for its over-reliance on individualistic, pathological explanations and unwillingness to consider such issues as systemic racism or sexism. We have questioned the central importance of the notion of shame which seems out of step with much current educational research about the structural causes of disruptive behaviour, disaffection and exclusion from school (see for example, Halsey *et al.* 1997). Thinking about structure and agency within schooling is a complex and much-debated area but many critics would challenge Nathanson's assertion that the crucial variable separating those who commit crime (and cause trouble in school) is merely lack of self-control (Nathanson 1996).

By focusing on the individual pathology of a wrongdoer and without questioning how a person comes to be identified as 'having wronged' or 'being wronged', Restorative Justice cannot fully respond to essential questions of power, class and gender. It may then, come to be seen by over-stretched schools as 'yet another initiative', popular for a while before another priority takes over. In one very significant sense schools and the criminal justice system are not analogous. In law, there is not necessarily a relationship between the wrongdoer and the wronged.

In the life of schools, relationships are central. The structure of school life is based on social interaction, both constructive and destructive. It is complex and multi-layered, often fulfilling a range of purposes, and arising in a range of contexts. Formal Restorative Justice does not take any account of the historical and embedded power relations between teacher and pupil, adult and child, school and home. It cannot then address the very particular risks for both sides if this power balance is challenged. It is clear that notions of shame are not helpful. The

notion of 'justice' is not as useful as it at first sight appears. The links with the criminal justice field remain problematic, despite their origins in attempts to distance themselves from retributive or punitive responses. However, the history and development of Restorative Justice has offered some key aspects relevant to developing practice in schools.

These include:

- The importance of fair process
- The recognition of the rights, and involvement where possible, of all parties in dispute or conflict resolution
- The notion of restoration or reparation instead of retribution
- The importance of developing empathy for others in preventing and responding to conflict or violence
- The valuing of the views of all parties in open discussion
- The effectiveness of circles for exchanging views, expressing feelings or resolving issues
- The importance of the language (often scripted) used in addressing conflict and resolving disputes.

Introducing Restorative Practices in Scottish schools

In 2004, the Scottish Executive Education Department (SEED) established a two-year pilot scheme to introduce Restorative Practices in schools, involving 3 Local Authorities. In parallel with this pilot project, SEED commissioned a team from the Universities of Edinburgh and Glasgow to evaluate the initiative. Each of the 3 pilot local authorities was asked to nominate 6 schools from their pilots, with the final 18 schools drawn from the special, primary and secondary sectors, situated in urban, suburban and rural areas. The schools reflected the diversity of Scottish communities, with entitlement to free school meals ranging from 8% in one school to 68% in another (the national average is 18%). They also had varied histories in terms of existing approaches that could be described as restorative.

The school roll in the primary schools ranged from just over 200 to just below 500. In the secondary schools there was an even wider range with the smallest secondary school having a roll of just over 400 and the largest around 1750. The levels of disciplinary exclusion were considerably lower in primary schools than in secondary schools, as would be expected.

The evaluation team reviewed existing international research and literature on Restorative Justice and Restorative Practices in education. The team then negotiated a range of methods through which to evaluate the aims and outcomes specified for the pilot projects, as these developed in the different Local Authorities and schools. The evaluation team also worked throughout the 2 year period with a national Steering Group, convened by SEED and consisting of key managers from the Local Authorities, schools and educational psychology services within each of the three Local Authorities. The evaluation was highly collaborative in style, with methods and interim findings explored regularly with the Steering Group and findings discussed on each visit to schools.

Data collection involved observation, interviews (see table below), focus group meetings and documentary analysis as well as a staff survey (N= 627, a 45% response rate) and pupil survey (N=1163, a sample of pupils at ages 9 and 11 in primary school, ages 13 and 15 in secondary school). There are, of course, limits to any generalisations that can be made on the basis of the survey data due to the response rates and the fact that the surveys were carried out early in the pilot. This does however offer a 'snapshot' of attitudes to, and understandings of, Restorative Practices and allow for triangulation with the qualitative data gathered through interviews, observation, and focus group meetings as well as statistical data from school and authority sources.

The table below shows the numbers of individuals interviewed. Key staff members in each school were interviewed on a number of occasions over the period of the pilot in order to gather and feedback reflections on the process as well as the outcomes and achievements. This evaluation was completed in October 2006.

Table 1 School Interviews

Interviews	Munro Local Authority	Graham Local Authority	Corbett Local Authority	Total
Headteachers	6	6	5	17
Senior Management Team member/ Principal Teacher	12	16	15	43
Educational Psychologist	6	4	2	12
Class/subject support teachers	17	23	8	48
Non teaching support staff	13	8	9	30
Other inter-agency staff	0	4	8	12
Pupils – Primary	89	23	26	138
Pupils – Secondary	44	38	11	93
Parents – Primary	2	7	3	12
Parents – Secondary	0	8	11	19
Observations - playground	4	Around school building 3	0	7
Observations – other	Classroom 6 Meetings 2 Training 1	Classroom 9 Meetings 3 Training 1	Classroom 3 School assemblies 3 S1 Induction 1 Meetings 1 Training 3	33

The information gathered through these many different methods of data collection allowed the team to develop indicators of achievement for the evaluation. The table below offers a summary of the extent of schools' success in implementing Restorative Practices over the pilot. As can be seen, 14 of the 18 schools made some significant achievements, either across

the school or in some parts of the school. In a further 3 schools, for a range of reasons, progress was slower, but there was real evidence of progress. In only one school, due to other pressures, was there very little progress.

Table 2 Achievements of schools by summer 2006

Schools	Primary and Special	Secondary
Significant achievement across school	7	2
Significant achievement in places	1	4
Early stages but evidence of progress	0	3
Other priorities dominate	0	1

The key below provides more detail on the definition of achievements.

Key for Table 2 Indicators of Achievement

Indicators:

Significant achievement across school

Clear evidence of school change
 Staff mainly positive views and understandings about RP
 Most staff and pupils familiar with key ideas if not the term
 Evidence of permeation of practice and of positive outcomes
 Evidence of improved relationships within the school
 Pupils indicated that they were listened to
 Integrated, or working towards integrated, policy framework
 Broad focus on values as well as strategies and practices
 Staff reflect on practice
 Clear impact on discipline and school climate

Significant achievement in places

Clear evidence of Restorative Practices and developments
 Enthusiasm and understanding by key school staff and in some classrooms and subjects
 Challenge to still widen across all classrooms or subjects
 Key staff and some class/subject staff familiar with key ideas and reflect on practice
 Some visible impact on discipline and school climate

Early stages but evidence of progress

Evidence of commitment and enthusiasm by key school staff
 Some staff trained

Some practices developed in particular settings or by particular staff, eg Behaviour support teacher, or subject teacher in own classroom
 Plans in place for further development
 Beginning impact on discipline and school climate

Other priorities dominate

Other pressures/developments mean that RP not high priority
 Some staff wish to promote this but lack of overall clear plans

This research (Kane *et al.* 2007, Kane *et al.* 2005) suggests that the local authorities in the Scottish pilot project are developing approaches distinct from those of England and Wales and elsewhere, within a framework which draws on Scotland's own distinctive social history and educational priorities; one which largely rejects the theoretical framework of Restorative Justice and draws instead on a more humanistic, person-centred perspective accompanied by a strong sociological understanding of the complexities of schooling. The terms being used in Scotland are consciously broader; 'Restorative Practices' or 'Restorative Approaches', rather than Restorative Justice. Schools are developing work on playground relationships, mediation/peer mediation, a range of circles for universal and particular purposes, restorative conversations, meetings and conferences as well as restorative management of exclusions and reintegration following exclusion. These are seen to be on a continuum of Restorative Practice from the preventive, aimed at developing restorative skills and language for both pupils and staff, to the more reactive, aimed at restoring relationships and a sense of belonging (Osler and Starkey, 2005, p. 2) when things go wrong.

In one primary school, all staff, teaching and non-teaching, are encouraged to use a restorative 'script' in their interactions with pupils. In a secondary school, a child whose parents have had long-standing difficulties which have affected their daughter's engagement with school, recently approached staff to ask to them to 'do another one of those group

meetings'. In a secondary school, Maths teachers have been trained and have now offered training to other staff in using a restorative approach to respond to persistent low-level indiscipline in the classroom.

For many of those working with children and young people in Scotland, these aims and the idea of such a framework will already be very familiar. The Scottish Children's Hearing system, in place since 1968, is based on a welfare rather than a punitive approach, and seeks to bring together all the most relevant people in a troubled child's life, and to develop a shared and constructive response to difficulties that have arisen, regardless of whether these difficulties include offending behaviour or not. More recently, some local authorities have introduced family group conferencing. Within education itself, the aims of Restorative Practice sit easily within the government's National Priorities of Attainment and Achievement, Framework for Learning, Inclusion and Equality, Values and Citizenship and Learning for Life, sharing common aims with the citizenship agenda in particular (SEED 2000, LTScotland 2002). The aims also resonate with recent national policy developments such as 'Happy, Safe and Achieving Their Potential' (SEED 2005b).

All secondary schools in Scotland, and many primary schools, have regular, structured inter-professional meetings that aim to include children and their families in decision-making when more serious difficulties arise in school. Many guidance and pastoral support teachers know well the central importance of working 'with' children and young people rather than doing things 'to' them. Many schools already implement or are working to develop peer mediation, mentoring, Circle Time, co-operative learning and emotional literacy programmes. While it is only fair to note that none of these approaches is without problems

in practice, the principles are firmly established within national policy and practice. It is clear that many Scottish schools can be seen to be promoting a humanistic, socially democratic ethos despite multiple and competing pressures.

The differences that seem to be developing are, however, very interesting. The focus on formal conferencing, so central to earlier work and clearly derived from Restorative Justice, has been robustly questioned by each local authority and each of the 18 schools. Although some use has been made of conferencing in some schools, it has been seen as only one of a range of ways in which staff and pupils can learn to be more restorative. Staff in these schools seem to concur with Blood and Thorsborne's view that 'conferencing is a highly effective process for responding to inappropriate behaviour of a serious nature in a school' but also that 'the use of conferencing itself is not enough' (2005, p2). These authors conclude that,

while the implementation of a carefully thought out strategy is vital, one of the critical issues for successful implementation and sustainability of a restorative philosophy is the realisation that this means organisation and cultural change

(Blood and Thorsborne, 2005, p2-3).

As the pilot period drew to an end, it is these moves towards thinking about organisation and cultural change that mark a step change from what has gone before. The findings from the evaluation reveal ways in which some, though not all, of the schools involved in the Scottish evaluation are beginning to use the framework offered by the language and questions of Restorative Practices to reflect on much larger questions about their school relationships, processes and priorities.

In one primary school, for example, the head teacher meets weekly with staff, teaching and non-teaching, in an 'ethos circle' as they seek a way of building and sustaining their restorative approach. One Highland secondary school has a 'no punishment' policy, while the Scottish Schools Ethos Network, strong advocates of the citizenship agenda, recently highlighted the work of a school in North Lanarkshire and its aim, through Restorative Practices, to, 'try to create an ethos of fairness in schools' (Ethos Network Case Study 2005)

The educational approach in the Scottish context was seen to be different from Restorative Justice in the community in that Restorative Justice is used with children and young people who have offended. The latter focusses on offenders and individual actions by using Restorative Cautioning and/or Conferencing and does not have the broader preventive focus of educational approaches; in Justice they are developed by professionals who work exclusively with such young people, whereas, in education, the whole school community - managers, teachers, janitors, classroom assistant and pupils - are likely to be involved. In Scotland there has not been much emphasis on the use of external facilitators, but rather, a commitment to the training and skills development of school staff and pupils.

So Restorative Practices in the pilot authorities can be seen as a set of values, practices and skills that have developed rather differently in different authorities and schools but can be seen to share many common features. In each local authority schools developed practices from the continuum, some as part of a wide approach, others more narrowly. In all cases there was an intention to promote practices in school that would restore relationships where

harm had taken place and in many schools also a development of a broader educative, whole school approach that was about promoting good relationships and preventing harm.

One definition of Restorative Practices used in schools is as follows;

- Where staff and pupils act towards each other in a helpful and non judgmental way,
- Where they work to understand the impact of their actions on others,
- Where there are fair processes that allow everyone to learn from any harm that may have been done, and
- Where responses to difficult behaviour have positive outcomes for everyone.

The following summary was produced after a meeting of the key research participants early on in the research (www.betterbehavioursotland.gov.uk/initiatives/piloting/default.asp).

Figure 3

Restorative Practices in Schools

For the whole school:

- Positive relationships
- Constructive climate/ethos
- Prevention of conflict and harm

When difficulties arise:

- Conflict effectively resolved
- Learning and progress out of difficulty
- Relationships maintained

When serious difficulties arise:

- Sanctions are supported by processes of learning and reconciliation
- Conflict resolved and harm repaired
- Relationships restored or terminated in a positive manner

The Scottish educational model of Restorative Practices is broadly focussed overall, encompassing prevention, response and intervention and, sometimes, reparation. There is an emphasis on the whole school community – Restorative Practices are seen to be for all staff and all pupils, not just for those who have broken the rules or caused harm. This is also wider than the approach of Restorative Justice. If we accept that schools are complex institutions then there will always be competing ideas, tension and personal disagreements. RPs are seen to offer ways to manage these fairly and positively, to prevent conflict and harm but, importantly, still allow for the expression of difference. There is an emphasis on local ownership of the development and of the responsibility of those involved to learn the skills and develop the practices. Restorative Practices, then, may be able to respond to the concerns of writers such as Harber who see schooling as an ‘essentially authoritarian experience’... (2004, p20) which does not ‘provide good and positive experience for individual pupils’ (2002, p7).

There is a realisation that a range of responses is necessary, but that these are most effective when underpinned by a common framework of values, language and also an acceptance that change takes time. Some schools, especially primary schools, are exploring the idea of ‘the restorative school’, and within an ethos that seeks to prevent conflict as well as respond to it when it arises. Indeed, one of the 3 local authorities has stated its intention to develop as a ‘restorative authority’. Blood and Thorsborne (2005) and also Hopkins (2004) argue helpfully that these approaches can promote ‘connectedness’ responding to research that related pupils’ sense of connectedness to a range of successful personal and social outcomes.

In summary, Restorative Practices in this sense, can offer a non-pathologising approach which emphasises the human wish to feel safe, to belong, to be respected and to understand and have positive relationships with others. More importantly perhaps, it offers a clear framework for development of these approaches, within which pupils (and staff) can acknowledge the potential of social and experiential learning approaches that enable all involved to understand and learn to manage, their interactions with others.

Conclusion

We suggest that when conceptualised within a theoretical framework which draws on a humanistic, person-centred and cognitive psychological perspective, combined with a strong sociological understanding of the complexities of schooling, Restorative Practices may be compatible both with current priorities and practices in Scottish schools, and, importantly, also able to offer a stronger, more cohesive structure for these current priorities and practices.

It is significant that Scottish local authorities and schools seem to be seeking a much broader conceptualisation of 'Restorative'. They have taken important aspects of Restorative Justice; fairness, accountability, a concern with active listening and reparation. But they avoid the term 'Justice' in this context and leave open the possibilities for Restorative Practices to develop in ways that are much more than just policing the boundaries of acceptable behaviour for a 'generation of suspects' (Giroux, 2003, p557). Their thinking and approaches highlight the need for wider debate about the role and aims of punishment and the implications for schools which seek to embrace these broader restorative approaches as a whole school. We suggest, however, that the talking and listening, the inter-personal communication and negotiation, central to Restorative Practices can facilitate this debate very

effectively. The potential for reflection created by acknowledging the complexity of power relations within a 'circle' is considerable.

We have argued that Braithwaite's and Nathanson's concerns with shame are not helpful to those working in schools. Stripped of its theoretical links with shame and harm, and more broadly developed than Restorative Justice, the concept of Restorative Practices can offer a much more relevant focus for thinking about conflict, about change, and about schools as learning communities. Internationally, it is clear that some proponents of Restorative Justice, still root their thinking in the work of Braithwaite and Nathanson. However, in Australia, New Zealand and the US, much of the restorative literature now identifies these broader conceptualisations of practice (Drewery, 2004, Blood, 2005, Wachtel, 2005). Restorative Practices admit the centrality of power relations and the complexity of social structures, offering the opportunity for all those involved to explore much more about the relationship between the internal and external tensions of schools, and to focus on how and where the possible solutions might lie.

Important issues remain. The issue of punishment and its relationship with Restorative Practices is still to be fully explored, and will present particular challenges in an educational culture which has a long history of public shaming and in a society where punishment may be understood as a 'social institution' (Garland, 1990, p277). Equally challenging, Blood and Thorsborne suggest that '3-5 years is required if change is to be sustained' (2005, p6). It may take longer, and a number of schools in the Scottish evaluation, thinking about cultural change, have pointed to the need to allow adequate time. Some head teachers in the pilot

have talked about the value of Restorative Practices in terms of this emphasis on time, and the recognition that for such major change, it may take 5-10 years to become embedded. This is an unusually long time frame for schools used to short-term initiatives and short notice funding bids.

Significantly, these challenges are not being seen as ones to be ‘overcome’ by Restorative Practices. Instead, such questions are being seen by some Headteachers and key stakeholders as intrinsic to the value of these approaches. Some are beginning to ask ‘what are we restoring to?’ ‘What are the nature of the relationships we have in this school?’ With questions such as these, it seems that the distance between practice and theory may be challenged and schools empowered to make real change.

References

- Ahmed, E., Harris, N., Braithwaite, J., Braithwaite, V. (2001) *Shame Management Through Reintegration* (Melbourne, Cambridge University Press).
- Barton, C. (2000) Empowerment and criminal justice, in: H. Strang, J. Braithwaite (Eds) *Restorative Justice: Philosophy to Practice* (Ashgate, Australian National University).
- Barnett, R. (1977) Restitution; a new paradigm of criminal justice. *Ethics: an International Journal of Social, Political and Legal Philosophy* 87(4), pp. 279-301.
- Bitel, M. (2005) *National Evaluation of the Restorative Justice in Schools Programme* (Youth Justice Board for England and Wales).
- Blatchford P. and Sharp, S. (Eds) (1994) *Breaktime and the School; understanding and changing playground behaviour* (London, Routledge).
- Blood, P. (2005) The Australian context – Restorative Practices as a platform for cultural change in schools, paper presented to *XIV World Congress of Criminology*, Philadelphia, August 7-11, 2005.
- Blood, P. and Thorsborne, M. (2005) The challenge of culture change: embedding Restorative Practices in schools. Paper to the *Sixth International Conference on Conferencing, Circles and other Restorative Practices and Family Empowerment*. Sydney, March 3-5, 2005.
- Blyth, E. and Milner, J. (1994) Exclusion from School and Victim-Blaming, *Oxford Review of Education* 20(3), pp. 293-306.
- Bouhours, B. (2004) International Study of Suspension Data
- Braithwaite, J. (1989) Restorative Justice; assessing an immodest theory and a pessimistic theory, in M.Tonry (Ed.) *Crime and Justice: A Review of Research* (Chicago, University of Chicago).

- Braithwaite, J. and Braithwaite, V. (2001) Shame and Shame Management, in Ahmed, E., Harris, N., Braithwaite, J. and Braithwaite, V. (2001) *Shame Management Through Reintegration* (Melbourne, Cambridge University Press).
- Braithwaite, J. and Mugford, B. (1994) Conditions of successful reintegration ceremonies, *British Journal of Criminology* 34(2), pp.139-171.
- Cameron, H. and Thorsborne, M. (1999) Restorative Justice and school discipline; mutually exclusive? In: H. Strang and J. Braithwaite (Eds.) *Restorative Justice and Civil Society* (Cambridge, Cambridge University Press).
- Chmelynski, C. (2005) Schools find 'Restorative Justice' more effective than expulsion. *School Board News* (Virginia, National School Boards Association).
- Cole, M. (2000) *Education, Equality and Human Rights* (London, Routledge/Falmer).
- Cowie, H. (2000) Using peer support to help troubled children in schools, paper to *Issues in Supporting Troubled Children in Schools* Conference, Edinburgh, March 2000.
- Daly, K. (2000) Revisiting the relationship between retributive and Restorative Justice, In: H. Strang and J. Braithwaite (Eds) *Restorative Justice and Civil Society* (Cambridge, Cambridge University Press).
- Department for Education and Skills (2005) *Permanent And Fixed Term Exclusions From Schools And Exclusion Appeals In England, 2003/04* (London, DfES).
- Drewery, W. (2004) *Restorative Practices in Schools* (Hamilton, University of Wakaito).
- Garland, D. (1990). *Punishment and Modern Society: A Study in Social Theory* (Oxford, Clarendon Press).
- Giroux, H. (2003) Racial injustice and disposable youth in the age of zero tolerance, *Qualitative Studies in Education* 16 (4), pp.553-565.

- Glasser, W. (1969) *Schools Without Failure* (New York, Harper and Row).
- Gordon, J. and Grant, W.(Eds) (1997) *How We Feel* (London, Jessica Kingsley Publishers).
- Gottfredson, M.R. and Hirschi, T. (1990) *A General Theory of Crime* (Stanford, Stanford University Press).
- Halsey, A.H., Lauder, H., Brown, P and Wells, A.S. (Eds) (1997) *Education: Culture, Economy and Society* (Oxford, Oxford University Press).
- Harber, C. (2004) *Schooling as Violence; How schools harm pupils and societies* (Abingdon, RoutledgeFalmer).
- Hatcher, R. (2000) Social Class and School, in: Cole, M. (Ed.) *Education, Equality and Human Rights* (London, Routledge/Falmer).
- Henskens-Reijman, J. and van Pagee, R. (2003) Restorative Practices in a Dutch school, *Restorative Practices E-forum* (Bethlehem, International Institute of Restorative Practices).
- Justice Research Consortium (2004) *Principles of Restorative Processes* (London, Justice Research Consortium).
- Hopkins, B. (2004) *Just Schools; A Whole School Approach to Restorative Justice* (London, Jessica Kingsley Publishers).
- Kane, J., Lloyd, G., McCluskey, G., Riddell, S., Stead, J. and Weedon, E . (forthcoming) *An Evaluation of Restorative Practices in 3 Scottish Authorities*. Research Report to SEED, Edinburgh.
- Kane, J., Lloyd, G., Maguire, R., McCluskey, G., Riddell, S., Stead, J. and Weedon, E. (2005) Restorative Practices in Schools; issues in implementation, paper to *European Conference on Educational Research*, Dublin, September 2005.

- Kelly, E. (1994) Racism and sexism in the playground, in: P.Blatchford and S. Sharp (Eds.) *Breaktime and the School; understanding and changing playground behaviour* (London, Routledge).
- Kelly, P. and Colquhoun, D. (2005) The professionalisation of stress management: Health and well-being as a professional duty of care *Critical Public Health* 15(2), pp.135-145.
- LTScotland (2002) *Education for Citizenship* (Dundee, Learning and Teaching Scotland).
- Marsh, P. and Crowe, G. (1998) *Family Group Conferences in Child Welfare* (Oxford, Blackwell).
- McCluskey, G. (forthcoming) Exclusion from school, what can ‘included’ pupils tell us? *British Educational Research Journal*.
- McCluskey, G. (2005) What does discipline mean in schools now? *Scottish Educational Review*, Vol.37, November 2005.
- McGrath, J. (2004) *Restorative Practices in Education: Managing Challenging Behaviour, Evaluation Report for Southend-on Sea* (Newry, Netcare Consultancy).
- Miers, D. (2004) Situating and researching Restorative Justice in Great Britain, *Punishment and Society* 6(1), pp. 23-46.
- Miers, D. (2001) *An International Review of Restorative Justice* (London, Home Office).
- Morrison, B. (2005) Building safe and healthy school communities: social justice and responsive regulation. Paper to *XIV World Congress on Criminology*, Philadelphia: August 7-11, 2005.
- Morrison, B. (2002) Bullying and victimisation in schools: a Restorative Justice approach, *Trends and Issues in Crime and Criminal Justice*, Australian Institute of Criminology, February 2002.

Munn, P., Sharpe, S. and Johnstone, M. (2004) *Discipline in Scottish Schools* (Edinburgh, Scottish Executive Education Department).

Nathanson, D. (1996) *Knowing Feeling* (New York, W.W. Norton).

O'Connell, T. (2004) Building a Global Alliance for Restorative Practices and family empowerment. Paper to 5th *International Institute of Restorative Practices Conference*, Vancouver: August 2004.

Osler, A. and Starkey, H. (2005) *Changing Citizenship: Democracy and Inclusion in Education* (Maidenhead, Open University Press).

Parsons, C. (2005) School Exclusion: the will to punish, *British Journal of Educational Studies* 53(2), pp. 187-211.

Porter, A. (2005) Restorative Practices at Queanbeyan South, an Australian primary school. *Restorative Practices E-forum* (International Institute of Restorative Practices, Bethlehem).

Scottish Executive (2005a) *Exclusions from School, 2003/2004* (Edinburgh).

Scottish Executive (2005b) *Happy, Safe and Achieving their Potential, a standard of support for children and young people in Scottish schools* (Edinburgh).

Scottish Executive (2000) *The National Priorities in Education* (Edinburgh).

Scottish Schools Ethos Network (2005) *Enlarging schools' supportive capacities through developing Restorative Practices; Case Study 43*. (Scottish Schools Ethos Network.

Edinburgh, University of Edinburgh).

Smith, L. and Hennessy, J. (1999) *Making a Difference. Essex Family Group Conference Project, Research Findings and Practice Issues* (Essex, Essex County Council).

Tonry, M. (Ed) (1999) *Crime and Justice: A Review of Research* (Chicago, University of Chicago).

United Nations (2003) *Glossary of Humanitarian Terms* (New York, Office for the Co-ordination of Humanitarian Affairs Policy Development and Studies Branch).

Wachtel, T. (2005) From Restorative Justice to Restorative Practices: expanding the paradigm. Paper to *XIV World Congress on Criminology*. Philadelphia: August 7-11.

Waiton, S. (2001) *Scared of the Kids? Curfews, Crime and the Regulation of Young People* (Sheffield, Sheffield Hallam University Press).

Walgrave, L. (Ed.) (2003) *Respositioning Restorative Justice* (Cullompton, Willan Publishing).

Wilkin, A., Moor, H., Murfield, J., Kinder, K. and Johnson, F. (2006) *Behaviour in Scottish Schools*, National Foundation for Educational Research, (Edinburgh, Scottish Executive Education Department).

Wright, M. (2003). Is it time to question the concept of punishment? in L. Walgrave (Ed.) *Respositioning Restorative Justice* (Cullompton, Willan Publishing).

Williams, B. (1993) *Shame and Necessity* (Berkeley, California, University of California).

Zehr, H. (1990) *Changing Lenses: A new focus for criminal justice* (Scotsdale, PA, Herald Press).